

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**UNITED SERVICES AUTOMOBILE
ASSOCIATION,**

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 2:18-cv-245-JRG

JOINT STATUS REPORT

1. On September 28, 2020, the Court instructed the parties to submit calculations of pre-judgment interest based on the 5-year Treasury Bill rate, compounded monthly, and calculations of post-judgment interest. Accordingly, the parties respectfully submit the following calculations of pre- and post-judgment interest for the Court's consideration. Each calculation of pre-judgment interest is based on the 5-year Treasury Bill rate, compounded monthly. Each calculation of post-judgment interest applies the statutory rate to the sum of the jury award and the award of pre-judgment interest.

2. The parties have no dispute regarding the mathematical aspects of their respective calculations.

3. USAA's Position: Attached as Exhibit A is a chart reflecting pre-judgment interest on the jury's \$200 million award, calculated at the 5-year Treasury Bill rate, compounded monthly, along with post-judgment interest calculated at the statutory rate, per the Court's email dated September 28. USAA believes this is all that the Court requested from the parties, and it is consistent with governing law. *See* Dkt. 346 and 368.

4. Wells Fargo's Position: Wells Fargo agrees with the calculation in Exhibit A. Wells Fargo further provides additional calculations based on the pending motions in Exhibit B attached hereto.

- a. Schedule 1 in Exhibit B shows the calculation based on a pro-rated award. *See* Dkt. 356, 2.
- b. Schedule 2 in Exhibit B shows the calculation based on the running royalty rate USAA presented (Dkt. 345, 3–5) and the rate Wells Fargo presented (Dkt. 356, 7) with pre-judgment interest accruing from the time each payment would have been

due to USAA for both the jury's award and the pro-rated award. *See* Dkt. 356, 5–7.

5. In providing the calculations requested by the Court, the parties do not concede any of the arguments raised in their respective submissions.

Respectfully submitted on September 30, 2020.

PARKER, BUNT & AINSWORTH, P.C.

/s/ Robert Christopher Bunt

Robert Christopher Bunt
Texas State Bar No. 00787165
Charles Ainsworth
Texas Bar No. 00783521
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Tel. (903) 531-3535
Fax (903) 533-9687
charley@pbatyler.com
rcbunt@pbatyler.com

IRELL & MANELLA LLP

Jason Sheasby (CA #205455), *pro hac vice*
Anthony Rowles (CA #301209), *pro hac vice*
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Tel. (310) 277-1010
Fax (310) 203-7199 jsheasby@irell.com
trowles@irell.com

**Attorneys for Plaintiff United Services
Automobile Association (USAA)**

/s/ Danielle Williams (with permission)

Thomas M. Melsheimer
TX Bar No. 13922550
tmelsheimer@winston.com
Michael A. Bittner
TX Bar No. 24064905
mbittner@winston.com
J. Travis Underwood
TX Bar No. 24102587
tunderwood@winston.com
Winston & Strawn LLP

2121 North Pearl Street, Suite 900
Dallas, TX 75201
(214) 453-6500 – Telephone
(214) 453-6400 – Facsimile

E. Danielle T. Williams
NC Bar No. 23283
dwilliams@winston.com
Winston & Strawn LLP
300 South Tryon Street, 16th Floor
Charlotte, NC 28202
(704) 350-7700 – Telephone
(704) 350-7800 – Facsimile

Katherine Vidal
CA Bar No. 194971
kvidal@winston.com
Matthew R. McCullough
CA Bar No. 301330
mrmccullough@winston.com
Winston & Strawn LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025
(650) 858-6500 – Telephone
(650) 858-6550 – Facsimile

Jack Wesley Hill
TX Bar No. 24032294
wh@wsfirm.com
Ward, Smith & Hill, PLLC
P.O. Box 1231
1507 Bill Owens Parkway
Longview, Texas 75606-1231
(903) 757-6400 (telephone)
(903) 757-2323 (facsimile)

Counsel for Defendant Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service pursuant to Local Rule CV-5(a)(3)(A) on September 30, 2020.

/s/ Robert Christopher Bunt
Robert Christopher Bunt